

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	FINAL DECISION AND ORDER
	:	
SUSAN L. HAISE, NEROLI SALON &	:	Case # LS 09 <u>04061</u> BAC
SPA, AND SLB DAY SPA,	:	
RESPONDENTS.	:	

Division of Enforcement Case # 07 BAC 217

The parties to this action for the purposes of Wis. Stats. § 227.53 are:

Susan L. Haise
220 East Buffalo Street, Suite 303
Milwaukee, Wisconsin 53202

Neroli Salon & Spa
SLB Day Spa
325 East Chicago Street
Milwaukee, Wisconsin 53202

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Barbering and Cosmetology Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Barbering and Cosmetology Board (Board). The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Susan L. Haise (Respondent Owner) (DOB 10/21/1967) is duly licensed as a barbering and cosmetology manager (license #29608-81) and as a barbering and cosmetology practitioner (license #53418-82) in the state of Wisconsin. The practitioner license was first granted on 1/11/1988; the manager license was granted on 5/5/2003. Both licenses are current through March 31, 2009.

2. Respondent Owner's most recent address on file with the Department of Regulation and Licensing (Department) is 220 East Buffalo Street, Suite 303, Milwaukee, Wisconsin 53202.
3. Neroli Salon & Spa, a/k/a SLB Day Spa (Respondent Establishment), is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license #26727-80). The license was first granted on 9/4/1997, and is current through March 31, 2009.
4. Respondent Establishment's most recent address on file with the Department is 325 East Chicago Street, Milwaukee, Wisconsin 53202. Department records list Susan L. Haise as owner and manager of the establishment.
5. As owner and manager of Respondent Establishment, Respondent Owner is responsible for daily operations of the establishment in compliance with Wis. Stats. chapter 454 and Wis. Administrative Code chapters BC 2, 3 and 4.
6. On September 21, 2007, Daniel Klingler, a licensed barbering and cosmetology practitioner, filed with the Department a complaint alleging that Respondent Owner was permitting an unlicensed individual, Caitlin Stublaski, to provide services to clients at Respondent Establishment. Klingler alleged that Stublaski was hired by Respondent Establishment in April 2005 and was continuing to provide services at Respondent Establishment at the time the complaint was filed.
7. Complainant Klingler stated that he formerly worked at Respondent Establishment and had witnessed Stublaski providing services.
8. Department records did not show any record of application or licensure for Caitlin Stublaski as of September 21, 2007.
9. On February 14, 2008, Investigator Michelle Krisher made an unannounced visit to Respondent Establishment. There were no sanitation violations observed at the establishment at that time.
10. During the February 14 visit to Respondent Establishment, Respondent Owner was working at a licensed barbering and cosmetology school that she owned. Respondent Owner sent Chris Zajdel, Director of Education at the school, to Respondent Establishment as her representative when she was informed of Investigator Krisher's visit.
11. Zajdel told Investigator Krisher that Stublaski had worked at Respondent Establishment for about one month and provided a limited number of services during that period.
12. Zajdel also told Investigator Krisher that Stublaski was currently working as an instructor at Respondent Owner's school.
13. Zajdel stated that Respondent Owner was manager of record for Respondent Establishment, but admitted that Respondent Owner did not work in Respondent Establishment at least 30 hours a week.
14. On February 15, 2008, Investigator Krisher made an unannounced visit to Respondent Owner's school.
15. Because Stublaski was not in at the time of the visit and Respondent Owner was unavailable, Investigator Krisher spoke to Gaya Glassen, a licensed practitioner and instructor at the school.

16. Glassen told Investigator Krisher that Stublaski had last worked at Neroli providing barbering and cosmetology services about a year before.
17. On February 21, 2008, Investigator Krisher wrote to Respondent Owner to obtain information about Stublaski's employment at Respondent Establishment.
18. Respondent Owner admitted to Investigator Krisher in a letter dated March 5, 2008, that Stublaski had provided services at Respondent Establishment even though Stublaski did not hold even a temporary permit until December 14, 2007.
19. Respondent Owner provided Stublaski's actual dates of employment, May 4, 2006, through October 22, 2007, in an e-mail to Attorney Claudia Berry Miran.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stats. § 227.44 (5).
2. Wis. Stat. § 454.04 (1) (a) provides that no person may engage in barbering or cosmetology unless the person has received training in the areas of service provided and holds a current barber or cosmetologist license, manager license, temporary permit, or training permit issued by the Board or is an apprentice under Wis. Stat. § 454.10 or a student in a barbering or cosmetology course of instruction.
3. Wis. Administrative Code § BC 2.04 (1) states that licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.
4. By employing Caitlin Stublaski, an unlicensed individual, and permitting her to provide barbering and cosmetology services at Respondent Establishment from May 4, 2006, through October 22, 2007, Respondent Owner and Respondent Establishment have violated Wis. Administrative Code § 2.04 (1).
5. Wisconsin Administrative Code § BC 1.01 (7) defines "full time" as work which is performed for 30 hours per week or the maximum number of hours an establishment is open if the establishment is open less than 30 hours a week.
6. Wis. Administrative Code § BC 3.02 (1) (c) requires a manager to be present in an establishment full time.
7. Because Respondent Owner is not present at Respondent Establishment at least 30 hours per week, Respondent Owner and Respondent Establishment have violated Wis. Administrative Code § BC 3.02 (1) (c).
8. Wis. Stat. § 454.15 (2) (i) permits the Board to reprimand the holder of a license or permit issued under Chapter 454 if the licensee has violated any provision of Chapter 454 or any rules promulgated under Chapter 454.
9. Because Respondents have violated rules promulgated by the Board under authority granted by Chapter 454 of the Statutes, they are subject to discipline.

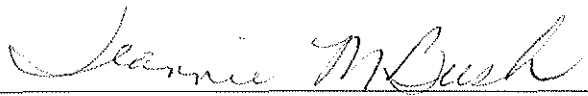
ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Susan L. Haise (license #29608-81) to practice as a barbering and cosmetology manager in the state of Wisconsin is hereby REPRIMANDED.
2. The license of Neroi Salon and Spa (license #26727-80) to operate as a barbering and cosmetology establishment in the state of Wisconsin is hereby REPRIMANDED
3. Respondents shall, within 120 days from the date of this order, pay a forfeiture in the amount of ONE THOUSAND FIVE HUNDRED dollars (\$1,500.00) and costs of this proceeding in the amount of NINE HUNDRED dollars (\$900.00), for a total of TWO THOUSAND FOUR HUNDRED dollars (\$2,400.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P. O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
FAX (608) 266-2264

4. **Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to submit timely any payment of the forfeiture as set forth above, or fails to pay costs as ordered, Respondents' licenses (license #29608-81, license #53418-82 and license #26727-80) SHALL BE SUSPENDED, without further notice or hearing until Respondents have complied with the terms of this Order.**
5. This Order is effective on the date of its signing.

By: 
A Member of the Board

4-6-09
Date

cbm

**STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD**

IN THE MATTER OF
THE DISCIPLINARY PROCEEDINGS
AGAINST

SUSAN L. HAISE, NEROLI SALON &
SPA, and SLB DAY SPA,
RESPONDENTS.

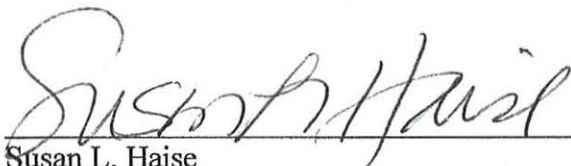
STIPULATION
Case LS # 09 04061 BAC

Division of Enforcement Case #07 BAC 217

It is hereby stipulated between Susan L. Haise, personally and for Neroli Spa & Salon and SLB Day Spa, and Claudia Berry Miran, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

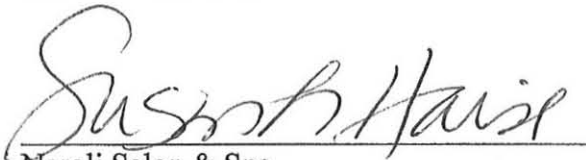
1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (07 BAC 217). Respondents consent to resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondents understand that by signing this Stipulation they voluntarily and knowingly waive their rights, including:
 - The right to a hearing on the allegations against them, at which time the state has the burden of proving those allegations by a preponderance of the evidence.
 - The right to confront and cross-examine the witnesses against them.
 - The right to call witnesses on their behalf and to compel their attendance by subpoena.
 - The right to testify themselves.
 - The right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision.
 - The right to petition for rehearing.
 - All other applicable rights afforded to them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code and any other provisions of state or federal law.
3. Respondents have been provided an opportunity to obtain the advice of legal counsel prior to signing this Stipulation.
4. Respondents agree to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to the Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session without the presence of the Respondent or their attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept the stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedures.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order



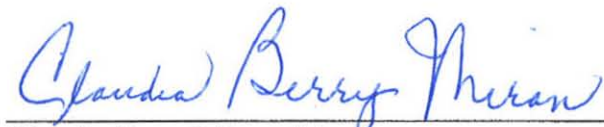
Susan L. Haise
220 East Buffalo Street, Suite 303
Milwaukee, Wisconsin 53202
License #53418-82
License #29608-81

2.2.09
Date



Neroli Salon & Spa
SLB Day Spa
325 East Chicago Street
Milwaukee, Wisconsin 53202
License # 26727-80

2.5.09
Date



Claudia Berry Miran, Attorney
State Bar #1015184
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P. O. Box 8935
Madison, WI 53708-8935

2-10-09
Date